


PATENT  
Docket No. 312762001800

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Marian Christopher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ming ZHAO *et al.*

Serial No.: 09/427,699

Filing Date: 27 October 1999

For: TREATMENT OF ALOPECIA

Examiner: Shin-Lin Chen, Ph.D.

Group Art Unit: 1632

**EXPEDITED PROCEDURE -**  
**EXAMINING GROUP 1632**

SECOND AMENDMENT UNDER 37 C.F.R. §1.116

BOX AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This amendment is submitted in further response to the Final Office Action dated October 10, 2001. The time in which to respond expired January 10, 2002 and a Petition for 2 Month Extension of Time, extending the time for response from January 10, 2002 to March 10, 2002, is attached hereto along with the required fee.

The considered claims, 1-5 and 7-12, were rejected. Careful consideration has been given to the grounds for rejection and the following discussion and amendment is offered in response.

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APR 05 2002

Please type a plus sign (+) inside this box → ☒

Approved for filing 10/3/02 OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

9

Application Number

09/427,699

Filing Date

27 October 1999

First Named Inventor

Ming ZHAO

Group Art Unit

1632

Examiner Name

Shin-Lin Chen, Ph.D.

Attorney Docket No.

312762001800

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form (original + duplicate)☐ Fee Attached☒ Amendment / Reply (3 pages)☒ After Final☐ Affidavits/declarations☒ Extension of Time Request (1 page)☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation☐ Terminal Disclaimers (2)☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify  
below):

1. Petition to Correct Inventorship (2 pages);
2. Return Postcard

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

or

Individual Name

Carolyn A. Favorito, Reg. No. 39,183

Morrison &amp; Foerster LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Signature

Date

March 6, 2002

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 Marian Christopher

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PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
FOR FY 2001**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number 08/427,699

Filing Date 27 October 1999

First Named Inventor Ming ZHAO

Examiner Name Shih-Lin Chen, Ph.D.

Group Art Unit 1632

TOTAL AMOUNT OF PAYMENT

(\$330.00

Attorney Docket No.

312762001800

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
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Number

03-1952

Deposit  
Account  
Name

Morrison &amp; Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claiming small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit Card
- ☐
- Money Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
20 =	x	= \$	
Independent Claims	-3 =	x	= \$
Multiple Dependent			= \$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claims, if not paid	
100	80	200	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater. For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	\$200
117	890	217	445	Extension for reply within third month	
118	1,380	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	\$130
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
				Publication Fee	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$330.00)

**SUBMITTED BY**

Name (Print/Type)

Carolyn A. Faylorito

Registration No.  
(Attorney/Agent)

39,183

**Complete (if applicable)**

Telephone

(858) 720-5195

Signature

Date

March 6, 2002

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**MORRISON & FOERSTER LLP**

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APR 05 2002

**GROUP 1600**

**To: Examiner Chen**  
U.S. Patent & Trademark Office

**Facsimile: (703) 308-8724**  
**Group Art Unit 1632**

**From:** Carolyn A. Favorito

**Date:** April 4, 2002  
703-872-9307

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**Comments:** Pursuant to your telephone conversation with my secretary of this date, please see attached Second Amendment Under 37 C.F.R. §1.116 which was originally filed on March 6, 2002. It is believed this will place this application in a posture to be allowed.

U.S. Application Serial No.: 09/427,699  
Our Docket: 312762001800

**URGENT**

**PLEASE DELIVER TO EXAMINER SHIN-LIN CHEN**

**AS SOON AS POSSIBLE**